

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

GREGORY LEE LASSITER (#1263655),

Petitioner,

v.

ACTION NO. 2:18cv537

HAROLD W. CLARKE,

Respondent.

DISMISSAL ORDER

This matter was initiated by a writ for petition of habeas corpus pursuant to 28 U.S.C. § 2254, conditionally filed on behalf of pro sé Petitioner Gregory Lee Lassiter ("Petitioner" or "Lassiter"). (ECF No. 1). Petitioner also requested to proceed in forma pauperis (ECF No. 2), which the court denied on November 8, 2018. (ECF No. 5).

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. §§ 636(b)(1)(B) and (C) and Rule 72(b) of the Rules of the United States District Court for the Eastern District of Virginia for a report and recommendation. The Report of the Magistrate Judge was filed on January 4, 2019, recommending Lassiter's petition be denied and dismissed without prejudice for failing to comply with the court's directive regarding submission of the filing fee. (ECF No. 6).


By copy of the report, Petitioner was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. The court has received no objections to the Magistrate Judge's Report and Recommendation and the time for filing objections has now expired. In addition, Petitioner has still not submitted the filing fee as directed.

Accordingly, the Court does hereby accept the findings and recommendations set forth in the Report of the United States Magistrate Judge filed January 4, 2019, and it is therefore ORDERED that Lassiter's petition be DENIED and DISMISSED without prejudice to Petitioner's right to present his claims at a later date.

Petitioner may appeal from the judgment entered pursuant to this Dismissal Order by filing a written notice of appeal with the Clerk of this court, United States District Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment.

Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right, therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

The Clerk is DIRECTED to mail a copy of this Dismissal Order to Petitioner at his last known address. A copy of the Dismissal Order shall also be served on the Respondent and the Attorney General by CM/ECF pursuant to their Agreement on Acceptance of Service with the Court.

/s/   
MARK S. DAVIS  
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

February 1, 2019